

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BECKY A. SELBY,	:	CIVIL ACTION NO. 1:19-CV-61
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
HOLLY T. SCHROEDER and	:	
TENNESSEE WALKING HORSE	:	
BREEDERS AND EXHIBITORS	:	
ASSOCIATION,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 19th day of November, 2019, upon consideration of the motion (Doc. 25) to dismiss pursuant to Federal Rule of Civil Procedure 12(b) filed by defendant Holly T. Schroeder (“Schroeder”) on November 6, 2019, and further upon consideration of plaintiff’s amended complaint (Doc. 26) filed November 18, 2019, and the court observing that an amended pleading, unless it “specifically refers to or adopts the earlier pleading,” supersedes the original as the operative pleading for the lawsuit, W. Run Student Hous. Assocs., LLC v. Huntington Nat'l Bank, 712 F.3d 165, 171 (3d Cir. 2013) (quoting New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996)); see also 6 CHARLES ALAN WRIGHT AND ARTHUR MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2018), and the court thus finding that the amended complaint renders the original complaint a legal nullity, it is hereby ORDERED that:

1. Schroeder's motion (Doc. 25) to dismiss the complaint (Doc. 1) is DENIED as moot and without prejudice.
2. Defendants shall respond to the amended complaint (Doc. 26) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania